

USPTO

6/17/2008 3:44:07 PM PAGE

1/001 Fax Server

Auto-reply fax to 603 274 999 COMPANY:

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 603 226 7499

Fax Information

Date Received:

6/17/2008 3:35:44 PM [Eastern Daylight Time]

Total Pages:

12 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

06/17/2008 15:52 FAX 603 226 7499		DAVIS & BUJOLD, PLLC		→ USPTO CENTRAL		018	
<p>Approved for use through 10/31/2008. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE. Form 1000 (Rev. 10/01/00)</p>							
<p><b>TRANSMITTAL FORM</b></p> <p>(To be used for all correspondence other than initial filing)</p>		<p>Application Number: 10/518,822</p>					
		<p>Confirmation Number: 8577</p>					
		<p>Filing Date: with an effective filing date of June 20, 2003</p>					
		<p>First Named Inventor: NIKHILU MORIBA et al.</p>					
		<p>Group Art Unit: 3757</p>					
		<p>Examiner Name: SHEPHERD D. PATEL Fax: (571) 273-9300</p>					
		<p>Attorney/Agent Number: ADACHI P25505</p>					
Total No. of Pages in the Transmittal: 12		ENCLOSURES (check all that apply)					
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee enclosed - Check \$ <input checked="" type="checkbox"/> Response ..... [1] <input type="checkbox"/> After Final <input type="checkbox"/> Amendment/Modification(s) <input type="checkbox"/> Extension of Time Request (in duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts (nonprovisional application) <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.53 or 1.55		<input type="checkbox"/> Assignment papers (for an application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Unexamined Papers <input type="checkbox"/> Petition Raising Status (PTO/SB/49) and Accompanying Petition (DELETED - no longer useful) <input type="checkbox"/> To Convert a Provisional Patent <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Extension		<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Bureau of Appeals and Intervention <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below)			
REMARKS							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT							
Firm or Individual Name		SCOTT A. DANIELS DAVIS & BUJOLD & DANIELS, P.L.L.C.					
Signature							
Date		June 17, 2008					
CERTIFICATE OF TRANSMISSION							
I hereby certify that this correspondence is being facsimile deposited with the United States Postal Service with sufficient postage to be first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1460, Alexandria, VA 22315-1460 on June 17, 2008.							
Signature							
		Date: June 17, 2008 (Lfb)					
PAGE 1112 * RCVD AT 6/17/2008 3:35:44 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-5145 * DNIS:2738300 * CSID:603 226 7499 * DURATION (mm-ss):02-56							

**RECEIVED**  
**CENTRAL FAX CENTER**  
 OCT 27 2008

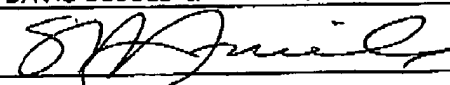

PTO/SB/21 (12-97)

0651-0031

Approved for use through 9/30/08

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/518,822
	Confirmation Number	
	Filing Date	with an effective filing date of June 20, 2003
	First Named Inventor	Mitsuru HORIBA, Nobumasa TSUTSUI and Yasuhiro TSUTSUI
	Group Art Unit	3767
	Examiner Name	Shefali D. Patel Fax: (571) 273-8300
Total No. of Pages in this Submission: 15	Attorney Docket Number	ADACHI P265US
ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached - Check \$ <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (in Duplicate) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Stmt <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition (DELETED - no longer useful) <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Petition for Withdrawal of Notice of Abandonment-2 pg. Notice of Abandonment- 1 pg. Response- 11 pg. Auto-Reply Facsimile Transmission- 1 pg.
REMARKS		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	Scott A. Daniels DAVIS BUJOLD & DANIELS, P.L.L.C.	Reg. No. 42,462 CUSTOMER NO. 020210
Signature		
Date	October 27, 2008	
CERTIFICATE OF TRANSMISSION		
I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on October 27, 2008.		
Signature		Date: October 27, 2008 (aag)

**RECEIVED  
CENTRAL FAX CENTER****OCT 27 2008**

27Oct08

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Mitsuru HORIBA, Nobumasa TSUTSUI and Yasuhiro TSUTSUI
Serial no.	:	10/518,822
Confirmation No.	:	
Filed	:	with an effective filing date of June 20, 2003
For	:	CATHETER
Group Art Unit	:	3767
Examiner	:	Shefali D. Patel
Docket	:	ADACHI P265US

The Commissioner for Patents  
U.S. Patent & Trademark Office  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION FOR WITHDRAWAL OF NOTICE OF ABANDONMENT**

Dear Sir:

In a Notice mailed October 23, 2008 (see attached copy thereof), the Patent Office informed the undersigned that the above identified application was abandoned in view of Applicant's failure to respond to the official communication mailed March 18, 2008. This Notice is believed to have been issued in error as the Applicant timely responded to that outstanding official communication by filing a Response submitted under an June 17, 2008 Certificate of Mailing date (see attached copy of the filed material and the auto-reply facsimile transmission confirming receipt of the same). Accordingly, the Applicant respectfully requests withdrawal of the issued Notice of Abandonment and expedited consideration of the previously filed material.


No petition fee is believed payable in view of this Petition however, in the event that a fee is due and payable, please charge the same to our Deposit Account as indicated below.

10/518,822

In the event that the Patent Office disagrees with Applicant's assessment of this matter, the undersigned respectfully requests that the Patent Office forward a formal explanation of why the Notice of Abandonment should not be withdrawn at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Scott A. Daniels No. 42,462  
Customer No. 020210  
Davis Bujold & Daniels, P.L.L.C.  
112 Pleasant Street  
Concord, NH 03301-2931  
Telephone 603-226-7490  
Facsimile 603-226-7499  
E-mail: [patent@davisandbujold.com](mailto:patent@davisandbujold.com)

10/27/08 11:19 PM

- 2 -

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	10/518,822	HORIBA ET AL.	
	Examiner	Art Unit	
	SHEFALI D. PATEL	3767	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 18 March 2008.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:  
  

Examiner called attorney Michael Bujold on 09/24/2008. Bujold said that a response was faxed to the office; however, the response or any possible fees are not present in the application file in eDAN, PALM, or PAIR.

/Kevin C. Simons/  
Supervisory Patent Examiner, Art Unit 3767

/Shefali D Patel/  
Examiner, Art Unit 3767

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.